

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: 1-27-11
3:21 O'Clock P.M.
JEANNE HICKS, CLERK
BY: RHONDI HAGEN
Deputy

DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: January 27, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney

Sheila Polk/Bill Hughes

(Via OnBase),

(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly

(Via electronic mail)

(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian /Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP

355 South Grand Avenue Thirty-Fifth Floor

Los Angeles, California 90071-1560,

(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

TELEPHONIC PRETRIAL CONFERENCE

Mina Hunt

START TIME: 10:07 a.m.

APPEARANCES:

Bill Hughes, Co-Counsel for State (Telephonically)

Kathy Durrer, Assistant to Counsel for State (Telephonically)

Detective Ross Diskin, Case Agent (Telephonically)

Tom Kelly, Co-Counsel for Defendant

Luis Li, Co-Counsel for Defendant (Telephonically)

Truc Do, Co-Counsel for Defendant (Telephonically)

Miriam Seifter, Co-Counsel for Defendant (Telephonically)

Pam Moreton, Victim Services Representative (Telephonically)

Lily Clark (Regarding Victim Liz Neuman) (Telephonically)

Defendant's appearance is waived for this hearing.

The Court and Counsel discuss whether or not Counsel have been provided with all received Juror Questionnaires.

Counsel for the State advises that a secretary in his office received a summons and moves the Court to excuse her. There being no objection by Defense, **IT IS ORDERED** excusing the Juror, Badge #266812.

The Court and Counsel discuss whether or not Jurors are aware of the lengthy trial funds available. The Court directs the Jury Commissioner to provide Juror #274565 with the lengthy trial fund information.

V1300CR201080049  
STATE v JAMES ARTHUR RAY  
January 27, 2011

The Court and Counsel discuss the Jury Questionnaires. In order to move the process along, Counsel agree to negotiate during the next break to attempt to reach agreement on jurors to be stricken for hardship.

~~~Recess~~~

At 2:03 p.m. the hearing reconvenes with all previously appearing parties present.

Counsel have provided the Court with a stipulated list of jurors to be stricken, primarily for hardship. The List begins with Juror # 283070 and ends with Juror #301461.

**IT IS ORDERED** the 65 Jurors contained in the stipulated List are excused. The Court incorporates the List as an exhibit to the Minute Entry. A redacted copy of the list containing only badge numbers shall be attached to the minute entry. The full list containing both names and badge number shall be sealed and kept in the Court file as well.

The Court and Counsel discuss the Jury Questionnaires and **IT IS ORDERED** the following prospective Jurors will be retained in the jury pool:

|                        |                                                      |
|------------------------|------------------------------------------------------|
| Report Date: 2/16/2011 | Badge #'s: 302821, 297621, 300734, 271391 and 288134 |
| Report Date: 2/17/2011 | Badge #'s: 287437, 296934, 274565 and 292040         |

The Court and Counsel discuss the Jury Questionnaires and **IT IS ORDERED** excusing the following prospective Jurors:

|                        |                                                                      |
|------------------------|----------------------------------------------------------------------|
| Report Date: 2/16/2011 | Badge #'s: 278812, 294691, 288727, 268413, 301589, 295636 and 305907 |
| Report Date: 2/17/2011 | Badge #'s: 287815, 279907, 268833, 301947, 276890, 296424 and 293589 |

Counsel for State requests that the Court direct the Clerk to provide Counsel with a starting exhibit number for trial. Discussion ensues. Counsel are instructed to stay in touch with each other and the Clerk.

The witness and exhibit list deadlines are discussed. The Court retains the current deadline of January 31, 2011 as the deadline for exchange of exhibits. The deadline for submitting exhibits to the Clerk for marking is February 22, 2011.

Counsel agree that the Rule Excluding Witnesses will be invoked.

Counsel Kelly advises he has a one-day scheduling conflict in May.

The Court confirms the existing trial date.

**END TIME: 3:21 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family, 150 John F Kennedy Pkwy, 4<sup>th</sup> Fl, Short Hills, NJ 07078  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV, 2901 N. Central, Ste 2000, Phoenix, AZ 85012-2788  
Division PTB (e)  
Jury Commissioner, Verde  
Victim Services (e)  
Court Administration  
Jeanne Hicks, Clerk of Court (e)  
Exhibit Clerk  
Customer Service Supervisor, Verde  
Records Supervisor, Verde

| No.    | Parties agree to Strike for Hardship |
|--------|--------------------------------------|
| 283070 | Y                                    |
| 271399 | Y                                    |
| 271382 | Y                                    |
| 290999 | Y                                    |
| 303308 | Y                                    |
| 298176 | Y                                    |
| 270493 | Y                                    |
| 268475 | Y                                    |
| 282559 | Y                                    |
| 290432 | Y                                    |
| 289767 | Y                                    |
| 274718 | Y                                    |
| 301930 | Y                                    |
| 287129 | Y                                    |
| 296397 | Y                                    |
| 292626 | Y                                    |
| 300644 | Y                                    |
| 275796 | Y                                    |
| 292698 | Y                                    |
| 287802 | Y                                    |
| 281109 | Y                                    |
| 298685 | Y                                    |
| 296756 | Y                                    |
| 280052 | Y                                    |
| 290914 | Y                                    |
| 301043 | Y                                    |
| 303061 | Y                                    |
| 281276 | Y                                    |
| 294467 | Y                                    |
| 280727 | Y                                    |
| 291680 | Y                                    |
| 271964 | Y                                    |
| 287744 | Y                                    |
| 288025 | Y                                    |
| 271812 | Y                                    |
| 267357 | Y                                    |
| 292779 | Y                                    |
| 292788 | Y                                    |
| 300336 | Y                                    |
| 294957 | Y                                    |
| 287278 | Y                                    |
| 297576 | Y (cause)                            |

|        |   |
|--------|---|
| 267010 | Y |
| 277681 | Y |
| 298093 | Y |
| 297486 | Y |
| 297483 | Y |
| 267588 | Y |
| 283715 | Y |
| 297250 | Y |
| 273232 | Y |
| 288242 | Y |
| 291613 | Y |
| 300855 | Y |
| 268272 | Y |
| 282456 | Y |
| 273105 | Y |
| 291560 | Y |
| 278235 | Y |
| 293855 | Y |
| 277956 | Y |
| 293504 | Y |
| 272746 | Y |
| 288704 | Y |
| 301461 | Y |